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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,525	06/13/2001	Fabrice Vitry	145-01	1806

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EXAMINER

HO, THOMAS Y

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 11/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,525

Applicant(s)

VITRY, FABRICE

Examiner

Thomas Y Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-15 is/are allowed.
- 6) ☒ Claim(s) 1-3, 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 24 is objected to because of the following informalities: the construction of the phrase “while lifting said housing said actuation means retraction of said pawl member includes a providing force” is grammatically incorrect, and it is difficult to determine the exact structural relationship being claimed. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Kyle
USPN6460902.

As to claim 1, Kyle discloses a load floor latch, comprising: a load floor lid 24; a pawl 60 positioned with respect to said load floor lid 24 to extend beyond thereof (pawl 60 extends beyond the lower surface of lid 24) for having a portion 65 thereof engaging a keeper structure 67 for retaining said load floor lid 24 in the closed position; and an actuation assembly having a handle 54 and an associated structure 56,70 which acts upon an exterior surface 64 (see Figure 6A) of said pawl member 60 which face being proximate said keeper engagement portion 65 of said pawl member 60.

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As to claim 2, Kyle discloses, wherein said pawl member exterior face 64 (see Figure 6A) has an exterior ramped surface; and wherein said actuation assembly includes a camming member 73 which operates against said exterior ramped surface to move said pawl member 60 away from said keeper structure 67 position.

As to claim 24, Kyle discloses a load floor latch comprising: a lid housing 24; a pawl member 60 positioned within said lid housing 24 for slide operation outwardly from said housing 24, said pawl member 60 including spring biasing 66 to an outwardly position; an actuation means 54 for retracting said pawl member 60 into said lid housing while lifting said lid housing said actuation means 54 retraction of said pawl member 60 includes providing a force on an outer surface 64 (see Figure 6A) of said pawl member 60; a means for attachment 65 to a panel member 22.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kyle USPN6460902 in view of Bisbing USPN3850464, and further in view of cited case law.

As to claim 3, Kyle discloses, wherein said pawl member 60 includes a body portion 61 and a spring 66 joined with said body portion and extend in line therefrom (see Figures 3 and 6). The difference between the claim and Kyle is the claim recites a body portion and a living spring integral with said body portion. Bisbing discloses a latch similar to that of Kyle. In addition,

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Bisbing further teaches a body portion 10 and a living spring 16/31,32 (see Figures 4-6) integral with said body portion. Bisbing further teaches the equivalency of the living springs and coil spring member 30. It would have been obvious to one of ordinary skill in the art, having the disclosures of Kyle and Bisbing before him at the time the invention was made, to modify the coil spring of Kyle to be replaced with a living spring of Bisbing, to obtain a pawl with a body portion having a living spring integrally attached. One would have been motivated to make such a combination because they are art recognized equivalents, as taught by Bisbing (see all Figures in Bisbing). Furthermore, inasmuch as the references disclose these elements as art recognized equivalents, it would have been obvious to one of ordinary skill in the exercise art to substitute one for the other. In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 536 (CCPA 1982).

Allowable Subject Matter

Claims 4-15 are allowed.

Response to Arguments

In response to applicant's arguments concerning claims 1-3 (pg.11), the addition of language reciting an "exterior surface" or an "outer surface" of the pawl does not read over the prior art reference of Kyle (see detailed action above). Any surface of the pawl 60 is an exterior surface of the member. Furthermore, new art has been cited to meet the new limitations concerning the living hinge.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN2922297 to Hitzelberger discloses a snap lock.

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USPN4790579 to Maxwell discloses a sliding spring latch.

USPN5193707 to Mizumura discloses a lid structure including slidable lock member.

USPN5482333 to Gehrs discloses a one-piece polymeric door latch with integral spring.

USPN5897147 to Alyanakian discloses a locking slide latch.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-1113.

TYH



J. J. SWANN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600